

**§217.1. Minimum Standards for Initial Licensure.**

(a) The commission shall issue a peace officer, jailer, temporary jailer, or public security officer license to an applicant who meets the following standards:

(1) minimum educational requirements:

(A) has passed a general educational development (GED) test indicating high school graduation level;

(B) is a high school graduate; or

(C) has 12 semester hours credit from an accredited college or university.

(2) for peace officers and armed public security officers, is 21 years of age, or 18 years of age if the applicant has received an associate's degree or 60 semester hours of credit from an accredited college or university or has received an honorable discharge from the armed forces of the United States after at least two years of active service; for jailers is 18 years of age;

(3) is fingerprinted and is subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record;

(4) community supervision history:

(A) has not ever have been on court-ordered community supervision or probation for any criminal offense above the grade of Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order; but

(B) the commission may approve the application of a person who received probation or court-ordered community supervision for a Class B misdemeanor at least five (5) years prior to application if an agency administrator sufficiently demonstrates in writing with supporting documentation that mitigating circumstances exist with the case and with the individual applying for licensure, and that the public interest would be served by reducing the waiting period;

(5) is not currently under indictment for any criminal offense;

(6) conviction history:

(A) has not ever been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years; but

(B) the commission may approve the application of a person who was convicted for a Class B misdemeanor at least five (5) years prior to application if an agency administrator sufficiently demonstrates in writing with supporting documentation that mitigating circumstances exist with the case and with the individual applying for licensure, and that the public interest would be served by reducing the waiting period;

(7) has never been convicted of any family violence offense;

(8) is not prohibited by state or federal law from operating a motor vehicle;

(9) is not prohibited by state or federal law from possessing firearms or ammunition;

(10) has been subjected to a background investigation and has been interviewed prior to appointment by representatives of the appointing authority;

(11) has been examined by a physician, selected by the appointing or employing agency, who is licensed by the Texas Medical Board. The physician must be familiar with the duties appropriate to the type of license sought and appointment to be made. The appointee must be declared in writing by

that professional within 180 days before the date of appointment by the agency to be:

- (A) physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought;
- (B) show no trace of drug dependency or illegal drug use after a physical examination, blood test, or other medical test; and
- (C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory medical exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;

(12) has been examined by a psychologist, selected by the appointing or employing agency, who is licensed by the Texas State Board of Examiners of Psychologists. The psychologist must be familiar with the duties appropriate to the type of license sought and appointment to be made. This examination may also be conducted by a psychiatrist. The appointee must be declared in writing by that professional to be in satisfactory psychological and emotional health to serve as the type of officer for which the license is sought within 180 days before the date of appointment by the agency. The examination must be conducted pursuant to professionally recognized standards and methods:

- (A) the commission may allow for exceptional circumstances where a licensed physician performs the evaluation of psychological and emotional health. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed;
- (B) the examination may be conducted by a qualified psychologist exempt from licensure by the Psychologist Certification and Licensing Act, Section 22, who is recognized under exceptional circumstances; and
- (C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory psychological exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;

(13) has not been discharged from any military service under less than honorable conditions including, specifically;

- (A) under other than honorable conditions;
- (B) bad conduct;
- (C) dishonorable;
- (D) any other characterization of service indicating bad character;

(14) has not had a commission license denied by final order or revoked;

(15) is not currently on suspension, or does not have a voluntary surrender of license currently in effect;

(16) meets the minimum training standards and passes the commission licensing examination for each license sought;

(17) has not violated any commission rule or provision of Occupations Code, Chapter 1701; and

- (18) is a U.S. citizen.
- (b) A person who fails to comply with the standards set forth in this section shall not accept the issuance of a license and shall not accept any appointment. If an application for licensure is found to be false or untrue, it is subject to cancellation or recall.
  - (c) For the purposes of this section, the commission will construe any court-ordered community supervision, probation or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from:
    - (1) another penal provision of Texas law; or
    - (2) a penal provision of any other state, federal, military or foreign jurisdiction.
  - (d) A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.
  - (e) An agency must retain records required under this section for a minimum of five years after the licensee's termination date with that agency. These records must be maintained in a format readily accessible to the commission.
  - (f) An agency must report to the commission any failure to appoint an individual in the reported capacity within 30 days of the reported date of appointment. Such report must be made in the currently prescribed commission format for termination.
  - (g) A person must successfully complete the minimum training required for the license sought:
    - (1) training for the peace officer license consists of:
      - (A) the current basic peace officer course; or
      - (B) successful completion of a commission recognized, POST developed, basic law enforcement training course, to include:
        - (i) out of state licensure or certification; and
        - (ii) submission of the current eligibility application and fee; or
      - (C) as an alternative to the current basic peace officer course taken at a licensed academy, the commission may approve an academic alternative program that is part of a degree plan program and consists of the commission-approved transfer curriculum, the commission-approved peace officer sequence courses, and after September 1, 2003, at least an associate's degree;
    - (2) training for the jailer license consists of the current basic county corrections course(s);
    - (3) training for the public security officer license consists of the current basic peace officer course;
    - (4) passing any examination required for the license sought prior to the expiration of the endorsement, and
    - (5) the licensing application must be submitted to the commission by a law enforcement or other appointing agency in the completed application format currently prescribed by the commission for the license sought.
  - (h) The commission shall issue a peace officer or jailer license to any person who is otherwise qualified for that license, even if that person is not subject to the licensing law or rules by virtue of election or appointment to office under the Texas Constitution.
  - (i) A sheriff who first took office on or after January 1, 1994, must be licensed by the commission not later than two years after taking office.
  - (j) A constable who first took office on or after January 1, 1985, must be licensed by the commission not later than two years after taking office. A constable taking office

after August 30, 1999, must be licensed by the commission not later than 270 days after taking office.

- (k) The commission may issue a provisional license, consistent with Occupations Code 1701.311, to an agency for a person to be appointed by that agency. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a provisional license.
- (l) A provisional license is issued in the name of the applicant; however, it is issued to and shall remain in the possession of the agency. Such a license may neither be transferred by the applicant to another agency, nor transferred by the agency to another applicant.
- (m) A provisional license may not be reissued and expires:
  - (1) 12 months from the original appointment date;
  - (2) on leaving the appointing agency;
  - (3) on the date the holder fails the peace officer licensing examination for the third time; or
  - (4) on failure to comply with the terms stipulated in the provisional license approval.
- (n) A temporary jailer license may not be reissued and expires:
  - (1) 12 months from the original appointment date;
  - (2) on completion of training and passing of the jailer licensing examination; or
  - (3) on the date the holder fails the jailer licensing examination for the third time.
- (o) The effective date of this section is September 1, 2007.